



Crl.O.P. No.22673 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.22673 of 2024

Uppalapatti Anji ,
S/o.Rathiah

... Petitioner

Vs

State rep. by:-

The Inspector of Police,
N-3, Muthialpet Police Station,
Chennai.
[Cr.No.13 of 2023]

... Respondent

PRAYER: - Criminal Original Petition filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioner/Accused in Crime No.13 of 2023 on the file of the respondent police.

For Petitioner : Mr. T.S.Sasi Kumar

For Respondent : Mr. S.Vinoth Kumar
Government Advocate (Crl.Side)



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 25.01.2023 for the offences punishable under sections 8(c) r/w.20(b)(ii)(c), 25, 29(1) of NDPS Act, 1985 in Crime No.13 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the respondent police found the petitioner in illegal possession of 44Kgs. of ganja. Hence, the case.

3. The learned counsel for the petitioner would contend that the petitioner was arrested and remanded to judicial custody on 25.01.2023 for the offences punishable under sections 8(c) r/w.20(b)(ii)(c), 25, 29(1) of NDPS Act, 1985 in Crime No.13 of 2023. As per the prosecution case, the petitioner was having 44Kgs of ganja. The respondent police foisted false case against this petitioner. This petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. The petitioner is in judicial custody from 25.01.2023. However, the petitioner is ready to abide by any stringent conditions may be imposed by this Court. Hence, he seeks bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) would submit that the petitioner was in illegal possession of 44Kgs. of ganja. The quantity involved in this case is commercial quantity and the petitioner was arrested on 25.01.2023 and the contraband was only seized from the petitioner. In this case, investigation was already completed and the charge sheet also filed and the case is taken on file in C.C.No.334 of 2023 on the file of the Principal Special Judge, NDPS Act, Chennai. Therefore, at this stage, the petitioner has to face the trial. Hence, he opposed to grant bail to the petitioner.

5. Heard both side counsels and perused the materials available on record.

6. Considering the representation made on either side and considering the fact that the contraband involved in this case comes under the commercial quantity and also considering the gravity of offence and the contradiction is that there is a calculation error in the charge sheet and as per the sample 2grams were taken, as per the laboratory report 5grams sample were taken and thereafter without deducting the actual contraband sent for chemical analysis, they also recorded the same quantity are all to be tested at the time of trial and considering other facts, this Court **is not inclined to grant bail** to the petitioner at this stage.



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WEB COPY 7. Accordingly, this Criminal Original Petition is dismissed.

24.09.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
gvn

To:

1. The Principal Special Judge, NDPS Act, Chennai.
2. The Inspector of Police,
N-3, Muthialpet Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.



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P.DHANABAL,J,

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